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Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF DAVID ZIMMER IN
SUPPORT OF ORACLE AMERICA,
INC.'S ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTIONS OF
ORACLE'S OPPOSITION TO GOOGLE'S
MOTION TO STRIKE PORTIONS OF DR.
JAMES KEARL'S EXPERT REPORT
[DKT NO. 870]**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William Alsup

1 I, DAVID ZIMMER, declare as follows:

2 1. I am an associate with the law firm of Kecker & Van Nest LLP, counsel to Google
3 Inc. ("Google") in the present case. I submit this declaration in support of Oracle America, Inc.'s
4 Administrative Motion to File Under Seal Portions of Oracle's Opposition to Google's Motion to
5 Strike Portions of Dr. James Kearl's Expert Report [Dkt. No. 870]. I have knowledge of the facts
6 set forth herein, and if called to testify as a witness thereto could do so competently under oath.

7 2. Certain of the redacted portions of Oracle's Opposition to Google's Motion to
8 Strike Portions of Dr. James Kearl's Expert Report expressly disclose or would allow others to
9 easily deduce Google's sensitive, non-public financial data, such as costs, revenues, and profits,
10 as well as projected costs, revenues, and profits, associated with Android. This includes the
11 redacted material at: 1:5; 1:6; 1:17; 2:21; 3:1; 3:6; 3:10; 3:12; 3:24-25 (last line of block quote);
12 3:28 (last line of n.3); 4:3-5; 9:9; 9:16; 10:5; and 10:9-10. Public release of this information
13 would cause great and undue harm to Google. These selections should therefore be filed under
14 seal.

15 3. Exhibit H to the Declaration of Meredith Dearborn In Support of Oracle's
16 Opposition to Google's Motion to Exclude Portions of Dr. James Kearl's Expert Report contains
17 the personal phone number of Google employees. These phone numbers should be filed under
18 seal to protect those employees' privacy.

19 I declare under penalty of perjury that the foregoing is true and correct and that this
20 declaration was executed at San Francisco, California on April 13, 2012.

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22 By: /s/ David Zimmer
23 DAVID ZIMMER
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